

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DOROTHY GRANT,
Plaintiff,

v.

WESTAFF TEMPORARY AGENCY,
Defendant

No. C-04-0277 MMC

**ORDER CONTINUING HEARING ON
MOTION TO DISMISS**

(Docket No. 52)

Before the Court is defendant Westaff Temporary Agency's motion, filed August 25, 2005, to dismiss the above-titled action, initially scheduled to be heard October 7, 2005. After defendant notified the Court that the copy of the motion defendant sent to plaintiff by certified mail had been returned to defendant unclaimed, the Court continued the hearing to October 28, 2005 to afford defendant additional time to serve plaintiff with the motion, and to allow plaintiff adequate time to respond.

On October 11, 2005, plaintiff filed a document in which she stated she had received the Court's order rescheduling the hearing, but had not received a copy of the motion. Plaintiff further stated she would attempt to obtain a copy of the motion from the Clerk's Office on October 14, 2005. Under the circumstances, plaintiff will be afforded additional time to respond to defendant's motion.


Accordingly, the deadline for plaintiff to file an opposition to defendant's motion is

1 hereby CONTINUED to October 28, 2005. There will be no further extensions of such
2 deadline. The deadline for defendants to file a reply is hereby CONTINUED to
3 November 4, 2005. The hearing on the motion to dismiss is hereby CONTINUED to
4 November 18, 2005.

5 Plaintiff is hereby advised that she has the responsibility to prosecute her lawsuit
6 and must take steps to keep track of developments therein regardless of her problems with
7 mail delivery. Accordingly, although the Court and defendant will continue to serve
8 documents on plaintiff by mail, erratic mail delivery will no longer be accepted as an excuse
9 for plaintiff's failure to file a timely response or to appear for a scheduled court proceeding.
10 Until the conclusion of the instant litigation, plaintiff must regularly check the docket to
11 determine whether any motions or court orders have been filed.

12 **IT IS SO ORDERED.**

13 Dated: October 14, 2005



MAXINE M. CHESNEY
United States District Judge